

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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LOIS L. BANKS,

Plaintiff

COMPLAINT

-against-

Civil No.:

THE UNITED STATES OF AMERICA AND
THE UNITED STATES POSTAL SERVICE.

Defendants.

Plaintiff by and through her attorneys, Thomas J. Rzepka, PLLC, as and for her
Complaint alleges as follows:

SUMMARY OF ACTION

1. That the Plaintiff brings this action pursuant to the Federal Tort Claims Act
for injuries the Plaintiff sustained in a trip and fall accident at the United States Post
Office (Post Office) located at 1335 Jefferson Road, Henrietta, New York on April
18, 2018.

DEMAND FOR JURY TRIAL

2. That Plaintiff demands a jury to hear all triable issues of fact.

JURISDICTION

3. That jurisdiction is pursuant to the Federal Tort Claims Act.

VENUE

4. That this action is properly brought before the Western District of New York pursuant to 28 U.S.C. 1391(b) because the claim arose in this judicial district.

PARTIES

5. That the Plaintiff is a resident of the County of Monroe and State of New York.
6. That the United States of America is a sovereign country.
7. That the United States Postal Service is an independent federal agency.

FACTUAL ALLEGATIONS

8. That on April 18, 2018 at approximately 11:10 am the Plaintiff was a customer at the Post Office when she tripped and fell on a rug causing injuries to the Plaintiff.
9. That the Defendants owed a duty of care to the customers of the Post Office including the Plaintiff to properly inspect and maintain the rugs at the Post Office to make sure they were safe for customers of the Post Office to walk on.
10. That the Defendants breached their duty causing the Plaintiff to trip and fall and sustain injuries as a result thereof.
11. That the accident and the injuries sustained by the Plaintiff were caused solely and wholly as a result of the negligence on behalf of the Defendants without any negligence on behalf of the Plaintiff.

RELIEF

12. That the Plaintiff demands judgment in an amount to be determined for the personal injuries sustained by the Plaintiff and the permanent

CONDITIONS PRECEDENT

13. That all conditions precedent have been performed.

WHEREFORE, Plaintiff demands judgment in an amount to be determined by a jury along with the costs and disbursement of this action along with such other and further relief as to the Court seems just and reasonable.



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VERIFICATION

STATE OF NEW YORK)
COUNTY OF MONROE) ss:

^{L.}
Lois Banks being duly sworn, deposes and says I am the Plaintiff above-named and I have read the foregoing **Complaint** and know its contents and same to be true, except as to the matters stated therein to be alleged on information and belief and as to those matters I believe them to be true.

Lois L. Banks
Lois Banks
^{L.}

Sworn to before me this 26th
day of May 2021.



Notary Public

Qualified in Monroe County
Commission Expires March 17, 20__

Thomas J. Rzepka
Notary Public, State of New York
Qualified in Monroe County
Commission Expires March 17, 20__ ²²